IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8886 OF 2007

M/s.Suryatej Hotels & Resorts
P.Ltd. & Anr. .. Petitioners

Vs.

State of Maharashtra & Ors. .. Respondents

Mr.S.V.Sadavarte for the petitioners

Mr.V.P.Malvankar, A.G.P. for the respondents

CORAM : J.N.PATEL &
SMT.NISHITA MHATRE, JJ.

DATED : 7TH DECEMBER, 2007

P.C.:

1. Heard.

2. The petition can be disposed of at the stage of admission itself. The petitioner has come with a grievance that the licensing authority i.e.the Commissioner of Police, Pune has cancelled the entertainment licence issued to the petitioner for certain breaches alleged to have been committed by the petitioner w.e.f. 17.10.2007 i.e. the date

of passing of the impugned order. Aggrieved by the same, the petitioner has preferred an appeal before the Honourable Home Minister, Government of Maharashtra, under the provisions of Bombay Police Act alongwith an application for stay on 29.10.2007.

3. The petitioner is required to approach this court as his business stands closed down without remedy of hearing being afforded by the appellate authority. It is therefore, submitted that this court may direct the appellate authority to dispose of the appeal preferred by the petitioner as expeditiously as possible and if it is not feasible then atleast an application for stay should be heard expeditiously.

4. The learned A.G.P. submits that probably the appeal would not be taken up for hearing due to the winter session of the Assembly and that it will be taken up for hearing in due course.

5. In our view, as the impugned order directly affects the right of the petitioner to carry on

lawful business, the appellate authority is expected to deal with such matter expeditiously. Therefore, we dispose of this petition with a direction to respondent no.3 to dispose of the appeal filed by the petitioner as expeditiously as possible and preferably within 4 weeks. In case it is not possible for the Honourable Home Minister to take up the appeal for hearing, then atleast the application for stay should be taken up for consideration and disposed of by passing a speaking order within the stipulated time.

6. Writ Petition stands disposed of accordingly. Petitioner to communicate the certified copy of the order to the appellate authority.

(J.N. PATEL, J)

(SMT.NISHITA MHATRE, J)